

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JARMARL K. JOHNSON,

Defendant.

No. 08-30170-DRH

ORDER

HERNDON, Chief Judge:

This matter was referred to United States Magistrate Judge Clifford J. Proud for the specific purpose of conducting a change of plea for Defendant Johnson, pursuant to **28 U.S.C. § 636, LOCAL RULE 72.1(b)(2)** and Defendant Johnson's consent (Docs. 328 & 332). Pursuant to **FEDERAL RULE OF CRIMINAL PROCEDURE 11**, the change of plea hearing was held on January 22, 2010 (Docs. 331, 333 & 334). During the change of plea, Defendant Johnson plead guilty to Count I of the Second Superseding Indictment, conspiracy to distribute and possess with the intent to distribute marijuana, following a thorough colloquy with Judge Proud. Thereafter, Judge Proud issued a Report and Recommendation ("the Report") recommending that the Court accept Defendant Johnson's plea of guilty (Doc. 335).

In accordance with **28 U.S.C. § 636(b)(1)(B)**, the parties were allowed fourteen days to file written objections. As of this date, neither party has filed an objection. Therefore, the Court **ADOPTS** the Report in its entirety. Thus, it is the

finding of the Court in the case of *United States v. Jarmarl K. Johnson*, that Defendant Johnson was fully competent and capable of entering an informed plea, that he was aware of the nature of the charges and the consequences of the plea, and that the plea of guilty was a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense.

Accordingly, the Court **ACCEPTS** Defendant Johnson's guilty plea and **ADJUDGES** him **GUILTY** on Count 1 of the Second Superseding Indictment. The Court **REMINDS** the parties that this matter for sentencing on May 7, 2010 at 10:00 a.m.

IT IS SO ORDERED.

Signed this 9th day of February, 2010.

/s/ David K. Herndon

Chief Judge
United States District Court